

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CRIMINAL NO. 17-965 JB
	)	
vs.	)	
	)	
<b>KIRBY CLEVELAND,</b>	)	
	)	
Defendant.	)	

**WITHDRAWAL OF NOTICE OF INTENTION TO SEEK THE DEATH PENALTY**

The United States of America, by and through its attorneys, John C. Anderson, United States Attorney for the District of New Mexico, and Michael D. Murphy and Letitia Simms, Assistant United States Attorneys for said district, hereby gives notice pursuant to 18 U.S.C. § 3593(a) that it withdraws the Notice of Intention to Seek the Death Penalty filed January 26, 2018 (Doc. 39).

Respectfully submitted,

JOHN C. ANDERSON  
United States Attorney

**Electronically filed November 19, 2018**

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I hereby certify that on November 19, 2018  
I filed the foregoing electronically through  
the CM/ECF system, which caused counsel for  
the Defendant to be served by Electronic means,  
as more fully reflected on the Notice of Electronic  
Filing.

**Electronically filed November 19, 2018**

MICHAEL D. MURPHY

Assistant United States Attorney